

NOT FOR PUBLICATION

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

v.

Fidencio Ramos Balderas.

Defendant.

No. CR-15-50080-PHX-JJT

ORDER

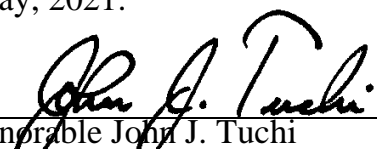
Defendant filed a Motion for an Order of Home Confinement. (Doc. 44.) The Government filed its Response (Doc. 46) in opposition. The Federal Defender filed a Notice of its review of the Motion and subsequent recommendation that there was no basis for appointment of counsel for Defendant, although if the Court concluded differently the Defender stood ready to locate representation. (Doc. 45.)

Defendant was serving a 7-month term of incarceration for his latest violation of supervised release. He was released from CoreCivic in April of this year on completion of that term to commence a 36-month term of supervised release. His Motion is therefore moot. Moreover, Defendant expressly, and only, seeks home confinement pursuant to Section 12003(b)(2) of the Coronavirus Aid, Relief and Economic Security (CARES) Act of 2020, Pub. L. No. 116-136, 134 Stat. 281, 516 (2020). To the extent Defendant argues the CARES Act affords the Court any authority to either order home confinement in lieu of imprisonment or to otherwise modify his sentence at this point, his argument has no support in law. In relevant part, the CARES Act empowers the United States Bureau

1 Prisons and United States Attorney General to order home confinement. It does not
2 empower courts to order home confinement, or any other relevant modification.

3 **IT IS ORDERED** denying Defendant's Motion for an Order of Home Confinement
4 (Doc. 44).

5 Dated this 20th day of May, 2021.

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7 
8 Honorable John J. Tuchi
United States District Judge